

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cheyanne Ralph	Team: Squad #16	CCRB Case #: 201702731	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/09/2017 2:58 PM	Location of Incident: 135 West 35th Street	Precinct: 14	18 Mo. SOL 10/9/2018	EO SOL 10/9/2018	
Date/Time CV Reported Sun, 04/09/2017 4:27 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 04/09/2017 4:27 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevin Sullivan	14986	939542	MTS PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christian Breitwieser	20182	950106	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kevin Sullivan	Discourtesy: Police Officer Kevin Sullivan spoke discourteously to § 87(2)(b)	

### Case Summary

On April 9, 2017, § 87(2)(b) filed this complaint via telephone with the Civilian Complaint Review Board (CCRB).

On April 9, 2017, at approximately 2:58 p.m., § 87(2)(b) sat in the passenger seat as her boyfriend, § 87(2)(b) operated the vehicle. Because of a medical condition she was diagnosed with a few days prior, § 87(2)(b) was feeling very ill. § 87(2)(b) in response pulled over in front of an Urban Outfitters store located at 1333 Broadway Avenue, in Manhattan and went across the street to a Duane Reade store to purchase medicine for § 87(2)(b). The following allegation resulted: PO Kevin Sullivan spoke discourteously to § 87(2)(b) (Allegation A) in front of 135 West 35<sup>th</sup> Street, in Manhattan. § 87(2)(b) was issued summons #§ 87(2)(b) for parking in a traffic lane (Board Review 01).

There was no video footage of the incident.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation during her interview and she agreed to mediate her complaint. The case was sent to mediation on April 21, 2017, but was returned on May 15, 2017, after being rejected by the Department Advocate's Office.
- As of May 24, 2017, no Notice of Claim has been filed in regards to this incident (Board Review 02).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 04).
- PO Kevin Sullivan has been a member of service for 11 years and has had two CCRB allegations pleaded against him. § 87(2)(g)  
[REDACTED]

### Findings and Recommendations

#### Allegation A -Discourtesy: Police Officer Kevin Sullivan spoke discourteously to Kimberely

§ 87(2)(b)

In her statement to the CCRB, § 87(2)(b) (Board Review 05) stated that on April 7, 2017, she was diagnosed with a medical condition causing her to feel very ill. On April 9, 2017, § 87(2)(b) was not feeling well and so her boyfriend, § 87(2)(b) pulled over in front of an Urban Outfitters store located at 1333 Broadway Avenue, in Manhattan. § 87(2)(b) exited the vehicle and went across the street to a Duane Reade store to purchase medicine for § 87(2)(b). Approximately two minutes later, a patrol vehicle approached the driver's side of § 87(2)(b) vehicle with lights and sirens, and PO Sullivan asked § 87(2)(b) to move the car. When § 87(2)(b)

§ 87(2)(b) exited the vehicle to get into the driver's seat, she noticed an unidentified male walking towards his vehicle, which was parked approximately 15 feet in front of her, in front of 135 West 35<sup>th</sup> Street. § 87(2)(b) approached the male, and asked if he was moving out of the parking space. The male informed § 87(2)(b) that he would be moving in a minute. Within seconds, PO Sullivan approached the vehicle and said, "Move your fucking car, and keep it moving." § 87(2)(b) replied, "I am trying to park. Please relax. I do not understand what is going on." PO Sullivan replied, "Move your fucking car now." PO Sullivan swerved in front of § 87(2)(b) and parked his car. He then exited the vehicle and approached § 87(2)(b). PO Sullivan approached the driver's side of the vehicle and said, "You need to move your fucking car. I told you to move and you are fucking trying to delay." When § 87(2)(b) tried to explain to PO Sullivan that she was trying to find a parking space, PO Sullivan began issuing her a summons. § 87(2)(b) said, "I have family in the force. I don't understand. Why are you writing me a ticket? I did not do anything wrong." PO Sullivan replied, "Don't fucking talk."

PO Sullivan (Board Review 06) stated that when he made a right turn from Broadway Avenue onto West 35<sup>th</sup> Street, he observed a vehicle double parked on West 35<sup>th</sup> Street. He stated to the CCRB that West 35<sup>th</sup> Street is a two lane street with a parking lane on the north side of the street for commercial vehicles only. It is also high traffic area being that it is a thoroughfare to the Lincoln Tunnel. § 87(2)(b)'s vehicle was not a commercial vehicle, and so PO Sullivan approached the vehicle on the driver's side, and asked § 87(2)(b) to move the vehicle. He could not recall how he asked § 87(2)(b) to move the vehicle. PO Sullivan said that § 87(2)(b) exited the passenger side of the vehicle and got into the driver's seat. She then proceeded to the route but was moving very slow and kept stopping. When PO Sullivan observed this, § 87(2)(b) was approximately 50 yards in front of him. PO Sullivan approached the vehicle, and asked § 87(2)(b) to move the vehicle for a second time. § 87(2)(b) became angry and began shouting at PO Sullivan. PO Sullivan exited his vehicle, and informed her that he had given her plenty of opportunities to move her vehicle. He then began issuing her a summons. He stated to the CCRB that he remained calmed during the interaction because he has been yelled at before. His demeanor also did not change while speaking with § 87(2)(b). PO Sullivan did not say, "Move your fucking car now, and keep it moving," and denied saying, "You need to move your fucking car. I told you to move, and you are fucking trying to delay." PO Sullivan also did not say, "Move your fucking car now" or "Don't fucking talk," and denied using any profanity while interacting with § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

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Squad: 16

Investigator: \_\_\_\_\_

	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date